

REMARKS

Claims 1-41, 44, 50 and 67 are cancelled.

Claims 42, 43, 45-49, 51-66 and 68-79 are allowed.

Claims 98-113 have been withdrawn.

Claims 80-85, 87, 88, 90-97 and 114-116 have been rejected under 35 U.S.C.

§102(b) as being anticipated by U.S. Patent No. 4,275,534 to Porter.

Claims 80 and 90 have been amended to recite that Applicant's claimed invention overlaps the first end of the second backing member and the second end of the first backing member.

Also, regarding claims 80 and 90, the rafter hanger 123/127 of Porter is not substantially planar. At most, the flange 123 is planar. However, that flange 123 does not overlap the first end of the second backing member and the second end of the first backing member, a limitation added to these two claims 80 and 90 by this amendment.

Porter calls member 123, “a saddle **123** straddling a rafter **20** (or truss) and secured to it by means of a screw **124**, together with laterally extending U-shaped hanger brackets **127** in which timber rafters **128** are laid.” (Col. 5, lines 4-7). So member 123, can only be called a substantially planar spacing structure IF it is being read as only including the top portion thereof with the numeral 123 on it as shown for example in Fig. 10. However, if the Porter member 123 is being read as including the “U-shaped hanger brackets 127”, then clearly “saddle 123” is not “a first substantially planar structure” as recited in claims 80 and 90.

Regarding claim 96, at most, the rafter hanger 122 of Porter is connected to two rafters it clearly does not satisfy the recitations of claim 96 which recites first, second, third and fourth studs.

Claims 86 and 89 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,275,534 to Porter, alleging it would be obvious to change Porter to include limitations in these claims that are not present in Porter.

Since claims 86 and 89 are ultimately dependent on independent claim 80 and it has been shown that the new limitation to claim 80 makes it clearly allowable, the claims 86 and 89 are clearly allowable as well.

All of the previously rejected dependent claims depend from allowable claims 80, 90 and 96 and are allowable for the same reasons that claims 80, 90 or 96 are allowable.

Accordingly, since all of the remaining claims 42, 43, 45-49, 51-66, 68-97 and 114-116 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

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